

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/5/2018

In Re: Methyl Tertiary Butyl Ether (“MTBE”)
Products Liability Litigation

This document relates to:
Orange County Water District v. Unocal Corp., et al., No. 04 Civ. 04968

Master File C.A. No.
1:00-1898 (VSB)
MDL 1358

**ORDER OF DISMISSAL WITH
PREJUDICE**

Plaintiff Orange County Water District (“Plaintiff”) and Tosco Corporation, ConocoPhillips Company, f/k/a Phillips Petroleum Company, individually and as successor-in-interest to Tosco Corporation, and Phillips 66 (collectively, “ConocoPhillips”) have advised the Court that they have resolved the matters between them pursuant to a settlement agreement and release (“Settlement Agreement”) entered into following the remand of this matter to the United States District Court for the Central District of California under the caption *Orange County Water District v. Unocal Corp., et al.*, No. 8:03-cv-01742. The Settlement Agreement has been determined by that court to have been entered into in good faith.¹ As the Settlement Agreement resolves all claims brought by Plaintiff against ConocoPhillips in both the action remanded to the

¹ The Settlement Agreement dated as of October 11, 2017 was filed in the Central District of California action on October 31, 2017 in connection with a motion for good faith settlement determination under California law. *See* Def. Phillips 66’s Mot. for Order Determining Good Faith Settlement and Ex. 1, ECF No. 294. The motion was granted on December 11, 2017 and a judgment entered on January 3, 2018. *See* Order Granting Mot. for Order Determining Good Faith Settlement, ECF No. 311; Order of Dismissal, ECF No. 317.

Central District of California and the action pending before this Court, the Court finds that Plaintiff's claims against ConocoPhillips should be dismissed with prejudice and that:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The Plaintiff and ConocoPhillips have advised the Court that they have resolved the matters between them pursuant to the Settlement Agreement.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of ConocoPhillips from this action.
3. The actions of Plaintiff against ConocoPhillips before this Court are hereby **DISMISSED WITH PREJUDICE**. Each party shall bear its own costs, expenses, and attorney's fees in connection with this dismissal.

IT IS SO ORDERED.

DATED: April 5, 2018

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

Vernon S. Broderick
United States District Judge